

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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CREIGHTON TAKATA, individually and on behalf of all others similarly situated, Plaintiff, v. RIOT BLOCKCHAIN, INC. F/K/A, BIOPTIX, INC., JOHN O'ROURKE, and JEFFREY G. MCGONEGAL, Defendants.	Case No. 18-cv-2293 (FLW) (ZNQ) <i>Document Electronically Filed</i> <i>ORAL ARGUMENT REQUESTED</i> <u>NOTICE OF MOTION TO DISMISS</u>
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TO:

Joseph J. DePalma LITE DEPALMA GREENBERG, LLC 570 Broad Street, Suite 1201 Newark, New Jersey 07102 (T): (973)623-3000 (e): jdepalma@litedepalma.com
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PLEASE TAKE NOTICE that on March 15, 2021, or as soon thereafter as counsel may be heard, Defendant Mark Groussman, by and through his attorneys, Gibbons P.C. and Baker & McKenzie LLP, will move before the United States District Court for the District of New Jersey, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b), and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b) ("PSLRA") for an Order dismissing the

Consolidated Second Amended Class Action Complaint filed by Lead Plaintiff Dr. Stanley Golovac.

PLEASE TAKE FURTHER NOTICE that in support of the motion, Defendant Groussman will rely upon the accompanying Memorandum of Points and Authority submitted herewith, and all other pleadings and memoranda on file in this matter.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

Respectfully submitted,

Dated: February 8, 2021
Newark, New Jersey

By: s/ Kate Janukowicz
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